

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

GERALD A. FAST, et al.,)
)
Plaintiffs,)
)
v.) No. 06-4146-CV-C-NKL
)
APPLEBEE'S INTERNATIONAL, INC.,)
)
Defendant.)

**FINAL ORDER APPROVING SETTLEMENT AND DISMISSING ACTION
WITH PREJUDICE**

Before the Court are the parties' Joint Motion (Sealed) for Approval of FLSA Collective Action Settlement [Doc. # 380], and Plaintiffs' Unopposed Motion (Sealed) for Approval of Attorney's Fees, Costs, Service Awards, and Administration of the Settlement [Doc. # 381]. Having fully and carefully reviewed the proposed Confidential Settlement Agreement and Release ("Settlement Agreement"), the Court finds that the Settlement Agreement is the result of contested litigation and represents a fair, reasonable, and adequate resolution of a *bona fide* dispute. Furthermore, the Court finds that the Settlement Agreement is in the best interest of the Class Members, in light of the benefits accruing to the Class, the substantial discovery and investigation conducted by Class Counsel prior to the proposed settlement, and the complexity, risk, expense, and possible length of time of continued litigation. It is hereby ORDERED that:

1. The Joint Motion (Sealed) for Approval of FLSA Collective Action Settlement [Doc. # 380] is GRANTED. The Settlement Agreement (attached as Exhibit 1 to the Joint Motion (Sealed) for Approval of FLSA Collective Action Settlement [Doc. # 380-1]) is APPROVED.

2. Moreover, the formula for distribution of settlement payments set forth in the Settlement Agreement is APPROVED, as a fair, equitable, and reasonable measure for distributing the settlement payments to the Class Members.

3. Plaintiffs' Unopposed Motion (Sealed) for Approval of Attorney's Fees, Costs, Service Awards, and Administration of the Settlement [Doc. # 381] is GRANTED. The attorney's fees and costs, service awards, and payments for administration of the settlement fund as set forth in the Settlement Agreement are APPROVED; Defendants are hereby ORDERED to pay the Class Members and Class Counsel in accordance with and subject to the terms of the Settlement Agreement.

4. Having reviewed and considered the parties' arguments and authorities regarding confidentiality, Defendant's request that the Settlement Agreement and all related filings be indefinitely kept under seal is GRANTED in part and DENIED in part. The documents already filed will remain under seal. However, Class Counsel will be permitted to timely file unsealed copies of the Settlement Agreement and any related filings as part of the public judicial record, provided that Class Counsel redacts from these filings: 1) the total amount of the Settlement Fund; 2) the amount of the individual awards to the Class Members, including service awards; 3) the amount of the attorney's

fees and costs sought and awarded; 4) the cost of settlement administration; and 5) the estimated percentages of recovery or wage differential awarded to the Class Members.

5. Per the terms and conditions of the Settlement Agreement, and without affecting the finality of this Order and Judgment in any way, the Court reserves continuing and exclusive jurisdiction over this matter for the purpose of resolving issues relating to the administration, implementation, and enforcement of the Settlement Agreement and the conditions contained in this Order.

Accordingly, this case is DISMISSED WITH PREJUDICE, with the Court retaining continuing jurisdiction as set forth herein.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: November 1, 2012
Jefferson City, Missouri